

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

Charlottesville Division

SEP 27 2021

Elizabeth Sines, et al

Plaintiffs

v

Jason Kessler, et al

Defendants.

Case No: 3:17-cv-072-NKM

JULIA C. DUDLEY, CLERK
BY 
DEPUTY CLERK

MOTION IN LIMINE TO EXCLUDE EVIDENCE OF CANTWELL'S
PRIOR ALLEGED FELONIOUS CONDUCT

Comes now the Defendant, Christopher Cantwell, and, he Moves this Court To Exclude Evidence Of His Prior Alleged Felonious Conduct in United States v Cantwell D NH Case No: 20-cr-006. In support, he states as follows:

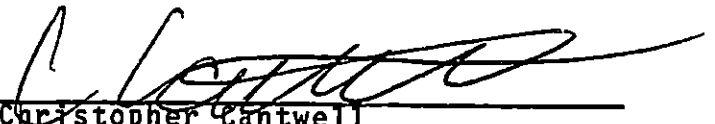
- 1) Cantwell was convicted of transmission of extortionate threats in interstate commerce in violation of 18 USC §875(b) and (d) in United States v Cantwell D NH Case No: 20-cr-006. This conviction is currently on appeal.
- 2) Cantwell's status as a felon is admissible to impeach him because "one who has transgressed society's norms by committing a felony is less likely than most to be deterred from lying under oath," at least in judicial theory, if not in the actual reality of federal courtrooms. Henslee v Singleton 714 Fed Appx 271 (4th Cir 2018) citing Walden v Georgia-Pacific Corp 126 F 3d 506 (3rd Cir 1997), Knight ex rel Kerr v Miami-Dade City 856 F 3d 795 (11th Cir 2017). The conduct of which he was convicted, however, is not intrinsically related to the instant proceedings nor is it relevant to some material issue at stake here. As such, this conduct is likely to

inflame the emotions of or confuse the jury, and, should be excluded pursuant to Fed.R.Evid. 401-403, especially Fed.R.Evid. 403.

- 3) What Cantwell proposes is that the jury may be told that he has been convicted of a non-violent felony not involving an act of dishonesty.

And, thus, Cantwell moves in limine for this Court to grant such an instruction and to exclude evidence of Cantwell's alleged felonious conduct.

Respectfully Submitted,


Christopher Cantwell
USP-Marion
PO Box 1000
Marion, IL 62959

CERTIFICATE OF SERVICE

I hereby certify that this Motion in Limine was mailed to the Clerk of the Court, 1st Class :Postage prepaid, for posting upon the ECF system, to which all parties are subscribed, and, was handed to USP-Marion staff members Nathan Simpkins and/or Kathy Hill for electronic transmission to the Court this 27th day of September, 2021.


Christopher Cantwell